

# HOUSE . . . . . No. 915

By Mr. Mariano of Quincy, petition of Ronald Mariano for legislation to further regulate life sentences of persons convicted of first and second degree murder. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING THE LIFE SENTENCES OF FIRST AND SECOND DEGREE MURDERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 49A of Chapter 127 of the General Laws,  
2 as appearing in the 2002 Official Edition of the General Laws, is  
3 hereby amended by inserting after the word “parole”, in line  
4 twenty-four, the following:— provided, however, that no person  
5 serving a life sentence for murder in the first degree shall be per-  
6 mitted to participate in any program outside a maximum security  
7 correctional facility.

1 SECTION 2. Said Chapter, as so appearing, is further amended  
2 in section 90A by inserting, after the word, “commissioner,” in  
3 line fourteen, the following:— provided, however, that no pris-  
4 oner serving a life sentence for murder in the first degree shall be  
5 eligible for temporary release under the provisions of this section,  
6 unless it is to obtain extraordinary medical care that is unavailable  
7 at the facility and cannot be obtained by temporary placement in a  
8 hospital under section one hundred and seventeen, one hundred  
9 and seventeen A, and one hundred and eighteen.

1 SECTION 3. Said Chapter, as so appearing, is further amended  
2 in Section 133A by striking the word “fifteen,” in line six, and  
3 inserting in place thereof, “twenty-five.”

1 SECTION 4. Said Chapter, as so appearing, is further amended  
2 in Section 152 by inserting, after the first paragraph, the following  
3 new paragraph:—

4 In a case in which the Governor is authorized by the Constitu-  
5 tion to commute a sentence, he may, with the advice and consent  
6 of the Council, and upon the written petition of the petitioner,  
7 grant it, subject to such conditions, restrictions and limitations as  
8 he considers proper, provided, however, that the Governor and  
9 council shall not commute the sentence of a prisoner serving a life  
10 sentence for murder in the first degree until said prisoner has com-  
11 pleted serving a minimum of forty years of said sentence; and pro-  
12 vided further that the Governor and council shall not commute the  
13 sentence of a prisoner serving a life sentence for murder in the  
14 second degree until said prisoner has completed serving a min-  
15 imum of twenty-five years of said sentence. The Governor may  
16 issue his warrant to all proper offices to carry out such commuta-  
17 tion into effect. Such warrant shall be obeyed and executed  
18 instead of the sentence originally awarded.

1 SECTION 5. Section 2 of Chapter 265 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking the sentence contained in lines six and seven and inserting  
4 in place thereof the following:— Any other person who is guilty  
5 of murder in the first degree shall be punished by imprisonment in  
6 a maximum security state prison for life.

1 SECTION 6. Section 1 of Chapter 265 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 adding the following paragraph:—

4 No person serving a sentence for murder in the second degree  
5 shall be eligible for furlough, temporary release or education,  
6 training or employment programs established outside a correc-  
7 tional facility until said prisoner has completed serving a min-  
8 imum of thirteen years.

1 SECTION 7. Section 1 of Chapter 265 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 adding the following paragraph:—

4 No person serving a sentence for murder in the second degree  
5 shall be eligible for furlough, temporary release or education,  
6 training or employment programs established outside a correc-  
7 tional facility until said prisoner has completed serving a min-  
8 imum of twenty-two years.

1 SECTION 8. The provisions of Sections one, two, and six of  
2 this Act shall take effect upon its passage.

1 SECTION 9. The provisions of Sections three, four, five and  
2 seven of this Act shall apply to all persons sentenced to life  
3 imprisonment for murder in the first or second degree who com-  
4 mitted the offense so punished, on January first, nineteen hundred  
5 and ninety-five and thereafter.